

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

TIMOTHY EUGENE SAMPSON,

Petitioner,

Case No. 18-cv-10020
Honorable Thomas L. Ludington

vs.

CONNIE HORTON,

Respondent.

_____ /

ORDER DENYING PETITIONER'S MOTION FOR APPOINTMENT OF COUNSEL

This is a habeas case filed under 28 U.S.C. § 2254. Petitioner Timothy Eugene Sampson challenges his convictions for first-degree murder, conspiracy to commit first-degree murder, felon in possession of a firearm, and possession of a firearm during the commission of a felony. Before the Court is Petitioner's Motion for Appointment of Counsel.

There exists no constitutional right to the appointment of counsel in civil cases, and the court has broad discretion in determining whether counsel should be appointed. *Franklin v. Rose*, 765 F.2d 82, 85 (6th Cir. 1985) (holding that a habeas petitioner is not entitled to the appointment of counsel to assist in habeas corpus proceedings); *Childs v. Pellegrin*, 822 F.2d 1382, 1384 (6th Cir. 1987) (“[A]ppointment of counsel in a civil case is . . . a matter within the discretion of the court. It is a privilege and not a right.”) (internal quotation omitted). A habeas petitioner may obtain representation at any stage of the case “[w]henver the United States magistrate or the court determines that the interests of justice so require.” 18 U.S.C. § 3006A(a)(2)(B). The Court determines that the interests of justice do not require appointment of counsel at this time.

Accordingly, **IT IS ORDERED** that Petitioner's Motion for Appointment of Counsel (ECF No. 4) is **DENIED WITHOUT PREJUDICE**. If the Court finds appointment of counsel necessary at a future point in the proceedings, the Court will *sua sponte* reconsider Petitioner's request for counsel.

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

Dated: January 31, 2019

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney of record herein by electronic means and to **Timothy Eugene Sampson** #492307, CHIPPEWA CORRECTIONAL FACILITY, 4269 W. M-80, KINCHELOE, MI 49784 by first class U.S. mail on January 31, 2019.

s/Kelly Winslow
KELLY WINSLOW, Case Manager